

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE WORNICK COMPANY,

Plaintiff,

v.

HOUSTON CASUALTY COMPANY,

Defendant.

) CIVIL ACTION NO. 1:11-CV-391

)

) CHIEF JUDGE SUSAN J. DLOTT

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) **JOINT MOTION TO VACATE THE**

) **FINAL PRETRIAL CONFERENCE**

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Pursuant to the Court's Civil Procedure Rule I.H, Plaintiff The Wornick Company and Defendant Houston Casualty Company hereby jointly move the Court to vacate the Final Pretrial Conference, which is currently scheduled for May 3, 2013 at 2:00 p.m. Alternatively, should the Court want to meet with the Parties or their counsel, the Parties request that the Court redesignate the May 3, 2013 Final Pretrial Conference as a Status Conference. Pursuant to Local Rule 7.2(a)(1), a memorandum in support is attached hereto.

Respectfully Submitted,

s/ Gregory A. Harrison (Per consent)

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) CIVIL ACTION NO. 1:11-CV-391

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) CHIEF JUDGE SUSAN J. DLOTT

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) **MEMORANDUM IN SUPPORT OF THE**  
) **JOINT MOTION TO VACATE THE**  
) **FINAL PRETRIAL CONFERENCE**

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The Court's Civil Procedure Rule I.H states that "[i]n the event that counsel agree to submit the entire case on cross motions for summary judgment, the Final Pretrial Conference and trial dates may be vacated." Accordingly, Plaintiff The Wornick Company and Defendant Houston Casualty Company jointly request that the Court vacate the Final Pretrial Conference, which is currently scheduled for May 3, 2013 at 2:00 p.m. The Court previously vacated the Trial on January 29, 2013 (Doc. # 33). In support of this joint request, the Parties state that they have submitted the insurance coverage issues on cross motions for summary judgment; that resolution of the cross motions will determine the nature and scope of any further proceedings in this matter; and, as previously ordered by the Court, further discovery and briefing in this matter may be necessary depending on how the cross motions are resolved.

Alternatively, should the Court want to meet with the Parties or their counsel, the Parties request that the Court redesignate the May 3, 2013 Final Pretrial Conference as a Status Conference, and allow the Parties to defer preparation of a Final Pretrial Order, including the joint statement of facts, until such time as a trial date has been set. A proposed order is attached hereto.

Respectfully Submitted,

s/ Gregory A. Harrison (Per consent)

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2013, a copy of the foregoing **Joint Motion To Vacate the Final Pretrial Conference** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*s/ Kevin M. Young*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE WORNICK COMPANY,

Plaintiff,

v.

HOUSTON CASUALTY COMPANY,

Defendant.

) CIVIL ACTION NO. 1:11-CV-391  
)  
) CHIEF JUDGE SUSAN J. DLOTT  
)  
) **PROPOSED ORDER GRANTING THE**  
) **JOINT MOTION TO VACATE THE**  
) **FINAL PRETRIAL CONFERENCE**  
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Upon the Joint Motion of the Parties in this case and for good cause shown,

**IT IS HEREBY ORDERED** that the Final Pretrial Conference, which is currently scheduled for May 3, 2013 at 2:00 p.m., is vacated.

Dated this \_\_\_\_\_ day of April, 2013.

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CHIEF JUDGE SUSAN J. DLOTT